

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application.

Claims 1-22, 25 and 26 are pending in the application. Claims 1, 9, 25 and 26 are independent. Claims 23 and 24 are canceled.

Priority Under 35 U.S.C. § 119

Applicants thank the Examiner for acknowledging Applicants' claim for foreign priority under 35 U.S.C. § 119, and receipt of the certified priority document.

Information Disclosure Citation

Applicants thank the Examiner for considering the references supplied with the Information Disclosure Statements filed May 8, 2006 and September 7, 2007, and for providing Applicants with initialed copies of the PTO-SB08 forms filed therewith.

Rejection Under 35 U.S.C. § 102

Claims 23 and 24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by US 6,504,179 (Ellens). A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicants respectfully submit that claims 23 and 24 have been canceled to obviate this rejection. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Rejections under 35 U.S.C. §103

Claims 1-22, 25 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellens in view of US 2006/0022208 (Kim) and US 6,093,346 (Xiao et al.). This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

The Examiner states that it would have been obvious to use the phosphor disclosed by Kim as the yellow phosphor and the phosphour of Xiao et al. as the green phosphor in the teachings of Ellens.

Applicants respectfully submit that the cited references fail to teach or suggest the first phosphor having a chemical formula of $\text{Sr}_{4-x}\text{Mg}_y\text{Ba}_z\text{Si}_2\text{O}_8:\text{Eu}_x^{2+}$ ($0 < x < 1$, $0 \leq y \leq 1$, $0 \leq z \leq 1$).

The Examiner asserts that the first phosphor of the invention and the phosphor of Xiao et al. are the same. Applicants respectfully disagree. In the formula of Xiao et al., if M is made up of Sr and Ba, it is SrBaO , not SrBa and these are different materials. Also, in the invention, "4-x" of Sr and "Z" of Ba must have different values but, in Xiao et al., Sr and Ba have the same values. Moreover, the "Mg" of the invention and the "MgO" of Xiao et al. and the "Si₂O₈" of the invention and the "Si₂O₄" disclosed by Xiao et al. are different materials.

Applicants respectfully submit that the combinations of elements as set forth in independent claims 1, 9, 25 and 26 are not disclosed or made obvious by the prior art of record, including Ellens, Kim and Xiao et al., for the reasons explained above. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Additional Cited References

Since the remaining references cited by the Examiner have not been utilized to reject the claims, but have merely been cited to show the state of the art, no comment need be made with respect thereto.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response

Application No. 10/578,514
Amendment dated December 2, 2008
Reply to Office Action dated September 2, 2008

Docket No.: 3449-0622PUS1

has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Chris McDonald, Registration No. 41,533, at (703) 205-8000, in the Washington, D.C. area.

Prompt and favorable consideration of this Amendment is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: December 2, 2008

Respectfully submitted,

By 
James T. Eller, Jr.
Registration No.: 39,538
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicants